

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA,

Plaintiff,

- against -

Jean Y. Kernizan aka Jean Kernizan

Defendant.

COMPLAINT

Civil Action No.  
CV-

----- X

The United States of America alleges that:

FIRST: Jurisdiction is conferred upon this Court pursuant to Title 28,  
United States Code, Section 1345.

SECOND: On information and belief, the Defendant resides within the  
Eastern District of New York at 21614 118<sup>th</sup> Ave, Cambria Heights, New York 11411.

THIRD: This lawsuit is filed for a sum certain due the Plaintiff.

FOURTH: The Defendant owes the United States the principal sum of  
\$14,712.35 plus interest accrued through May 31, 2019 in the amount of \$7,440.96 with interest  
continuing to accrue at the annual rate of \$1.82 per diem in accordance with the Certificate of  
Indebtedness, incorporated herein by reference, annexed hereto as Exhibit A.

FIFTTH: No part of the aforesaid sum has paid, although duly demanded.

WHEREFORE, the United States demands judgment against defendant as  
follows:

1. In the amount of \$22,153.31 that is, \$14,712.35 in principal; \$7,440.96 in interest  
accrued through May 31, 2019

2. Pre-judgment interest at the annual rate of \$1.82 per day from June 1, 2019 through the date of judgment on the amount set forth in subparagraph 1, above,
3. Post-judgment interest, pursuant to 28 U.S.C. ' 1961 at the legal rate then in effect, from the date of entry of judgment until the judgment is paid in full;
4. Administrative costs of suit; and
5. Such other relief as this Court may deem just and proper.

Dated: New York, New York  
June 24, 2019

Respectfully submitted,

BY: /s/ John S. Manfredi  
John S. Manfredi  
ATTORNEY FOR THE UNITED STATES OF  
AMERICA  
Manfredi Law Group, PLLC  
302 East 19<sup>th</sup> St. Suite 2A  
New York, New York 10003  
PH: 347 614 7006  
Fax 347 332 1740

## Exhibit A

U.S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Jean Y. Kernizan  
AKA: Jean Kernizan  
21614 118<sup>th</sup> Ave.  
Cambria Heights, NY 11411-1541  
Account No. XXXXX5874

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 05/31/19.

On or about 11/08/02, the BORROWER executed a promissory note to secure Direct Consolidation loans from the U.S. Department of Education. These loans were disbursed for \$9,061.70 and \$4,560.35 on 12/02/02 at 4.50% interest per annum. The loans were made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the BORROWER defaulted on the obligation on 09/17/06. Pursuant to 34 C.F.R. § 685.202(b), a total of \$1,822.69 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$2,334.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

|                            |             |
|----------------------------|-------------|
| Principal:                 | \$14,712.35 |
| Interest:                  | \$ 7,440.96 |
| Total debt as of 05/31/19: | \$22,153.31 |

Interest accrues on the principal shown here at the rate of \$1.82 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

5/31/19



\_\_\_\_\_  
Loan Analyst  
Litigation Support Unit

Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
United States of America

**(b)** County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
John Manfredi  
Manfredi Law Group, PLLC  
302 East 19<sup>th</sup> Street, Suite 2A, New York, New York 10003 ph 347 614 7006

**DEFENDANTS**  
Jean Y. Kernizan aka Jean Kernizan

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
N/A

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)  

X 1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

|   | PTF | DEF |   | PTF | DEF |
|---|-----|-----|---|-----|-----|
| Citizen of This State                   | ' 1 | ' 1 | Incorporated or Principal Place of Business In This State     | ' 4 | ' 4 |
| Citizen of Another State                | ' 2 | ' 2 | Incorporated and Principal Place of Business In Another State | ' 5 | ' 5 |
| Citizen or Subject of a Foreign Country | ' 3 | ' 3 | Foreign Nation  | ' 6 | ' 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|-------|--------------------|------------|----------------|
| <div><input type="checkbox"/> 110 Insurance</div> <div><input type="checkbox"/> 120 Marine</div> <div><input type="checkbox"/> 130 Miller Act</div> <div><input type="checkbox"/> 140 Negotiable Instrument</div> <div><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</div> <div><input type="checkbox"/> 151 Medicare Act</div> <div><input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</div> <div><input type="checkbox"/> 160 Stockholders' Suits</div> <div><input type="checkbox"/> 190 Other Contract</div> <div><input type="checkbox"/> 195 Contract Product Liability</div> <div><input type="checkbox"/> 196 Franchise</div> |       |                    |            |                |

 **PERSONAL INJURY**  ☐ 310 Airplane  ☐ 315 Airplane Product Liability  ☐ 320 Assault, Libel & Slander  ☐ 330 Federal Employers' Liability  ☐ 340 Marine  ☐ 345 Marine Product Liability  ☐ 350 Motor Vehicle  ☐ 355 Motor Vehicle Product Liability  ☐ 360 Other Personal Injury  ☐ 362 Personal Injury - Medical Malpractice |

**PERSONAL INJURY**

☐ 365 Personal Injury - Product Liability

☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability

☐ 368 Asbestos Personal Injury Product Liability

**PERSONAL PROPERTY**

☐ 370 Other Fraud

☐ 371 Truth in Lending

☐ 380 Other Personal Property Damage

☐ 385 Property Damage Product Liability

**REAL PROPERTY**

☐ 210 Land Condemnation

☐ 220 Foreclosure

☐ 230 Rent Lease & Ejectment

☐ 240 Torts to Land

☐ 245 Tort Product Liability

☐ 290 All Other Real Property

**CIVIL RIGHTS**☐ 440 Other Civil Rights☐ 441 Voting☐ 442 Employment☐ 443 Housing/Accommodations☐ 445 Amer. w/Disabilities-Employment☐ 446 Amer. w/Disabilities-Other☐ 448 Education**PRISONER PETITIONS****Habeas Corpus:**☐ 463 Alien Detainee☐ 510 Motions to Vacate Sentence☐ 530 General☐ 535 Death Penalty**Other:**☐ 540 Mandamus & Other☐ 550 Civil Rights☐ 555 Prison Condition☐ 560 Civil Detainee - Conditions of Confinement

**V. ORIGIN** (Place an "X" in One Box Only)

X 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$22,153.31

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE June 24, 2019

SIGNATURE OF ATTORNEY OF RECORD /s/ John Manfredi

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration    ☒ X

I, \_\_\_\_\_, counsel for \_\_\_\_\_, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

|                          |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,

the complaint seeks injunctive relief,

the matter is otherwise ineligible for the following reason

### **DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

### **RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

### **NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  
No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  
No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  
Yes
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:  
.

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

### **BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

No

I certify the accuracy of all information provided above.

Signature: /s/ John Manfredi

Print

Save As...

Reset

Last Modified: 11/27/2017

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

*aka* Jean Kernizan

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**DOUGLAS C. PALMER**  
*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: